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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,504	09/24/2001	Jung-kwon Heo	1293.1187	7211

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EXAMINER	
CANGIALOSI, SALVATORE A	

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/960,504	HEO, JUNG-KWON	
	Examiner	Art Unit	
	Salvatore Cangialosi	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-46 are rejected under 35 U.S.C. § 103 as being unpatentable over Ciacelli et al(6236727) in view of Hamilton et al(5504816) and Loiacono.

Regarding claim 1, Ciacelli et al (See Figs. 2, 4, Col. 1 lines 30-50, Col. 2, lines, 5-65, Col. 4, lines 30-65, claims 1 and 20) disclose means for the re-encryption of digital video and audio files for copyright protection substantially as claimed. The differences between the above and the claimed invention is the use of terms transcopy. It is noted that it is believed that re-encryption is a clear equivalent of a different coding format. Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and

audio streams. Loiacono (See Figs. 1-2) show a copy management means with copy control employing counters. It is also noted that the decryption must be aware of the encryption scheme prior to re-encryption to be operative. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ciacelli et al because re-encryption is the functional equivalents of the claim limitations. Regarding the different coding limitations of claim 2, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams which are the functional equivalents of the claims. Regarding control limitations of claim 3, Loiacono obviously employ rights management counters substantially as claimed. Regarding control limitations of claim 4, Loiacono obviously employ rights management counters which are the functional equivalents of the claims. Regarding claim 5, Ciacelli et al (See Figs. 2, 4, Col. 1 lines 30-50, Col. 2, lines, 5-65, Col. 4, lines 30-65, claims 1 and 20) disclose a data structure for the re-encryption of digital video and audio files for copyright protection substantially as claimed. The differences between the above and the claimed invention is the use of terms transcopy. It is noted that it is believed that re-encryption is a clear equivalent of a different coding format. Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-

encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams. Loiacono (See Figs. 1-2) show a copy management means with copy control employing counters. It is also noted that the decryption must be aware of the encryption scheme prior to re-encryption to be operative. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ciacelli et al because re-encryption is the functional equivalents of the claim limitations. Regarding control imitations of claim 6, Loiacono obviously employ rights management counters which are the functional equivalents of the claims. Regarding claim 1, Ciacelli et al (See Figs. 2, 4, Col. 1 lines 30-50, Col. 2, lines, 5-65, Col. 4, lines 30-65, claims 1 and 20) disclose a means for the re-encryption of digital video and audio files for copyright protection substantially as claimed. The differences between the above and the claimed invention is the use of terms transcopy. It is noted that it is believed that re-encryption is a clear equivalent of a different coding format. Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams. Loiacono (See Figs. 1-2) show a copy management means with copy control employing counters. It is also noted that the decryption must be aware of the encryption scheme prior to re-encryption to be operative. It would have been obvious to the person having

ordinary skill in this art to provide a similar arrangement for Ciacelli et al because re-encryption is the functional equivalents of the claim limitations. Regarding control limitations of claim 8, Loiacono obviously employ rights management counters substantially as claimed. Regarding control limitations of claim 9, Loiacono obviously employ rights management counters substantially as claimed. Regarding claim 10, Ciacelli et al (See Figs. 2, 4, Col. 1 lines 30-50, Col. 2, lines, 5-65, Col. 4, lines 30-65, claims 1 and 20) disclose means for the re-encryption of digital video and audio files for copyright protection substantially as claimed. The differences between the above and the claimed invention is the use of terms transcopy. It is noted that it is believed that re-encryption is a clear equivalent of a different coding format. Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams. Loiacono (See Figs. 1-2) show a copy management means with copy control employing counters. It is also noted that the decryption must be aware of the encryption scheme prior to re-encryption to be operative. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ciacelli et al because re-encryption is the functional equivalents of the claim limitations. Regarding claim 11, Ciacelli et al (See Figs. 2, 4, Col. 1 lines 30-50, Col. 2,

lines, 5-65, Col. 4, lines 30-65, claims 1 and 20) disclose means for the re-encryption of digital video and audio files for copyright protection substantially as claimed. The differences between the above and the claimed invention is the use of terms transcopy. It is noted that it is believed that re-encryption is a clear equivalent of a different coding format. Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams. Loiacono (See Figs. 1-2) show a copy management means with copy control employing counters. It is also noted that the decryption must be aware of the encryption scheme prior to re-encryption to be operative. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ciacelli et al because re-encryption is the functional equivalents of the claim limitations. Regarding control limitations of claim 12, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding control limitations of claim 13, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding control limitations of claim 14, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding the different coding limitations of claim 15, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder

employing different encryption algorithms in re-encryption of video and audio streams which are the functional equivalents of the claims. Regarding control limitations of claim 16, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding copy control limitations of claim 17, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding ownership limitations of claim 18, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding the coding limitations of claim 19, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams that must discern the original encryption to be operative which are the functional equivalents of the claims. Regarding the network limitations of claim 20, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams in a network which are the functional equivalents of the claims. Regarding the disk limitations of claim 21, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams with storage which are the functional equivalents of the claims. Regarding the different coding limitations of claim 22, Hamilton

et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams which are the functional equivalents of the claims. Regarding the multiple coding limitations of claim 23, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams which are the functional equivalents of the claims. Regarding the network limitations of claim 24, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams in a network which are the functional equivalents of the claims. Regarding claim 25, Ciacelli et al (See Figs. 2, 4, Col. 1 lines 30-50, Col. 2, lines, 5-65, Col. 4, lines 30-65, claims 1 and 20) disclose means for the re-encryption of digital video and audio files for copyright protection substantially as claimed. The differences between the above and the claimed invention is the use of terms transcopy. It is noted that it is believed that re-encryption is a clear equivalent of a different coding format. Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams. Loiacono (See Figs. 1-2) show a copy management means with copy control employing counters. It is also noted that

the decryption must be aware of the encryption scheme prior to re-encryption to be operative. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ciacelli et al because re-encryption is the functional equivalents of the claim limitations. Regarding the coding limitations of claim 26, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams which are the functional equivalents of the claims. Regarding the network limitations of claim 27, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams in a network which are the functional equivalents of the claims. Regarding claim 28, Ciacelli et al (See Figs. 2, 4, Col. 1 lines 30-50, Col. 2, lines, 5-65, Col. 4, lines 30-65, claims 1 and 20) disclose means for the re-encryption of digital video and audio files for copyright protection substantially as claimed. The differences between the above and the claimed invention is the use of terms transcopy. It is noted that it is believed that re-encryption is a clear equivalent of a different coding format. Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams. Loiacono (See Figs. 1-2) show a copy management

means with copy control employing counters. It is also noted that the decryption must be aware of the encryption scheme prior to re-encryption to be operative. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ciacelli et al because re-encryption is the functional equivalents of the claim limitations. Regarding the coding limitations of claim 29, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams which are the functional equivalents of the claims. Regarding copy control limitations of claim 30, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding copy control limitations of claim 31, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding the network limitations of claim 32, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams in a network which are the functional equivalents of the claims. Regarding the disk limitations of claim 33, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams with conventional storage 9(i.e. DVDR) which are the functional equivalents of the

claims. Regarding claim 34, Ciacelli et al (See Figs. 2, 4, Col. 1 lines 30-50, Col. 2, lines, 5-65, Col. 4, lines 30-65, claims 1 and 20) disclose digital means for the re-encryption of digital video and audio files for copyright protection substantially as claimed. The differences between the above and the claimed invention is the use of terms transcopy. It is noted that it is believed that re-encryption is a clear equivalent of a different coding format. Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams. Loiacono (See Figs. 1-2) show a copy management means with copy control employing counters. It is also noted that the decryption must be aware of the encryption scheme prior to re-encryption to be operative. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ciacelli et al because re-encryption is the functional equivalents of the claim limitations. Regarding rights limitations of claim 35, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding owner limitations of claim 36, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding the coding limitations of claim 37, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams

in a network which are the functional equivalents of the claims. Regarding the coding limitations of claim 38, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams in a network which are the functional equivalents of the claims. Regarding owner limitations of claim 39, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding the coding limitations of claim 40, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams in a network which are the functional equivalents of the claims. Regarding the audio limitations of claim 41, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams in a network which are the functional equivalents of the claims. Regarding the image limitations of claim 42, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing different encryption algorithms in re-encryption of video and audio streams in a network which are the functional equivalents of the claims. Regarding the format limitations of claims 43-46, Hamilton et al (See Figs. 3-4, Col. 2 lines 35-60, Col. 7, lines 5-15) show a re-encryption transcoder employing

different encryption algorithms in re-encryption of video and audio streams in a network which are the functional equivalents of the claims because they are no more than the standard video and audio formats contemplated by the prior art(See Ciacelli et al Col. 3, lines 25-50).

Applicants arguments dated 11/19/2004 are moot because of the new ground of rejection.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks

Washington, D.C. 20231

or faxed to (703)872-9306

Hand delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor(Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the

Technology Center 3600 Customer Service Office whose telephone number is (703) **308-4177**.

SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222